

JAR 11/15/67

4/17/08

Entered

— SO 679-07
VAR

Donahue, John
07-901

51829-6824

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

April 17, 2008

Ms. Debbie Lawson
Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, MD 21853

Re: CA VAR 07-901 – John A. Donahue Addition

Dear Ms. Lawson:

The applicant for the above referenced project has sent additional information regarding the proposed addition for this residence. Should the Board find in favor of the applicant, the Board must find that the variance is the minimum necessary to afford relief. Mitigation for new disturbance in the Buffer should be required at a ratio of 3:1. This mitigation should be in the form of native plantings.

Thank you for the opportunity to provide these additional comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie", followed by a long horizontal line.

Julie Roberts
Natural Resource Planner
cc: SO 679-07

Martin O'Malley
Governor

Anthony G. Brown
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November 15, 2007

Mr. Thomas Lawton
Department of Technical and Community Services
11916 Somerset Avenue
Princess Anne, MD 21853

Re: CA VAR 07-901 – John A. Donahue Addition

Dear Mr. Lawton:

Thank you for providing information on the above referenced variance. The applicant is requesting a variance to construct a residential addition in the 100-foot Buffer. The applicant seeks a 33.5-foot Buffer variance for this proposed addition. This lot is located in the Resource Conservation Area (RCA) and is approximately 160.4 acres. This lot is currently improved by a house, a driveway, and four sheds, two of which are nonconforming and are located in the 100-Buffer to wetlands. In this instance, the applicant is requesting to demolish an existing porch which encroached 15.5 feet into the Buffer and to build a new addition which will encroach an additional 18 feet into the Buffer. The Critical Area Commission opposes this variance.

Structures in the 100-foot Buffer

In 2002 and 2004, the General Assembly strengthened the Critical Area Law, and reiterated its commitment to the Chesapeake Bay Critical Area's water quality and wildlife habitat values, especially emphasizing the importance of the 100-foot Critical Area Buffer. In particular, the General Assembly reaffirmed the stringent standards, which an applicant must meet in order for a local jurisdiction to grant a variance to the Critical Area law. The State law provides that variances to a local jurisdiction's Critical Area program may be granted **only** if a zoning board finds that an applicant has satisfied its burden to prove that the applicant meets each one of the county's variance standards, including the standard of "unwarranted hardship." The General Assembly defined that term as follows: "without the variance, the applicant would be denied reasonable and significant use of the entire parcel or lot."

The State law establishes presumption that a proposed activity for which a Critical Area variance is requested does not conform to the purpose and intent of the Critical Area law. The County (or Board of Appeals) must make an affirmative finding that the applicant has overcome this presumption, based on the evidence presented. The State law, including the presumption of non-conformance, applies to all variance decisions in the Critical Area. [2007 Laws of Maryland, Chapter 221(2)].

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

The Critical Area Law and Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development. This variance would be in direct contrast to the goals of the General Assembly and the goals of the Buffer. This lot is already subject to reasonable residential use. Accordingly, we do not believe that the applicant can meet the standard of unwarranted hardship, and we oppose this variance request. I have addressed each of the standards as it pertains to this case:

Relevant Variance Standards

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.*

As stated above, the General Assembly defined "unwarranted hardship" to mean that the applicant must prove that, without the requested variance, he would be denied reasonable and significant use of **the entire parcel or lot**. The applicant already enjoys reasonable and significant use of the property by virtue of the house, driveway, and sheds. In addition, there is adequate room for an expansion outside of the Buffer. Based on this information, we do not believe that the County has evidence on which to base a favorable finding on this factor.

2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction.*

There is no "right" to build a structure in the Buffer. Therefore, denial of this variance would not deny the applicants a right commonly enjoyed.

3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.*

If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area. No other property would be permitted to build and further encroach into the Buffer, so to allow this variance would be a special privilege. The applicant has the burden of proof and the burden of persuasion to overcome the presumption that his proposed variance does not conform to the Critical Area Law. We do not believe the applicant has overcome this burden.

4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.*

From the information provided, it does not appear that the variance request is based on conditions or circumstances that are the result of the applicant or from a neighboring property. Therefore, it appears that the applicant has met this standard.

Mr. Lawton

11/15/2007

Page 3 of 3

5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.*

In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and regulations. This proposal not only further reduces the functions provided by the Buffer on this site, but would contribute to the individual impacts of development on the Bay. The County law recognizes that a naturally vegetated fully functioning 100-foot Buffer is vital to the water quality of the Chesapeake Bay and its Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County.

This letter has addressed five of the relevant variance standards. Based on the information provided, only one of the five standards is met. The County and State law provide that in order to grant a variance, the applicant must meet and satisfy each and every variance standard. This applicant has failed to meet all of the County standards. Therefore, we recommend that the Board deny the applicant's request for this variance.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,



Julie Roberts
Natural Resource Planner
cc: SO 679-07



**SOMERSET COUNTY
DEPARTMENT OF TECHNICAL AND COMMUNITY SERVICES**

Jack A. Willing, Jr., Director

**SOMERSET COUNTY BOARD OF ZONING APPEALS
PRINCESS ANNE, MARYLAND**

APPLICATION NO. CA VAR 07-901

RE: John Donohue

**CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays**

Upon the Application for Critical Area Variance to the property described therein located in the Lawson Election District on Tax Map #73, Block #9, Parcel #14, and after consideration of the said Application and the testimony and other evidence presented to the Board at the hearing held on Friday, April 18, 2008, the Board of Zoning Appeals hereby finds:

(1) That the requirements of Section 9.3 b. (9) of the Zoning Ordinance have been met by the Applicant, that special circumstances and conditions exist which are peculiar to the property involved and which are not applicable to other properties in the same zone.

(2) That the Applicant, Mr. John Donohue, is the fee simple owner of the property and has applied for a Critical Area Variance, which would allow a sixty-six and one half (66.5) foot Buffer or a thirty-three and one half (33.5) foot Variance for a proposed addition.

(3) Section 6.13.J.1 of the Zoning Ordinance prohibits new structures in the one-hundred (100) foot Critical Area Buffer.

(4) That a literal interpretation of the provisions of the Ordinance would deprive the Applicant of his rights commonly enjoyed by other properties in the same zone under terms of this Ordinance.

(5) That the special conditions and circumstances referred to above do not result from actions of the Applicant.

(6) That there appeared no adjoining property owners either in person or by letter before the Board to express opposition to the Application for Variance.

(7) That the granting of this Variance will not confer Applicant any special privileges that are denied by the Zoning Ordinance to other properties in the same zone.

(8) That the Variance granted herein is the minimum Variance that will make possible the reasonable use of the property and is in harmony with the general

purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or detrimental to the public welfare.

(9) The Board found the following facts in this particular matter:

(a) The Applicant, Mr. John Donohue, is in the process of restoring this historic home and property.

(b) Mr. Larry Whitelock, the planner, Mr. John Phoebus, Esquire, and Mr. John Donohue appeared before the Board. The gentlemen submitted a letter from the Critical Area Commission, dated April 17, 2008 (Exhibit #1); copy of the site plan from Wilkins-Noble, LLC (Exhibit #2); aerial photograph (Exhibit #3); black and white photograph of the home before the restoration began (Exhibit #4); Metropolitan magazine article regarding the home (Exhibit #5); site plan showing the previously compacted impervious area on the property and square footage of the existing sheds (Exhibit #6); and 3 page drawings (Exhibit #7).

(c) The Critical Area Commission letter (Exhibit #1) indicated that the Applicant had submitted additional information for their consideration. The Commission stated that the Board must find that the variance is the minimum necessary to afford relief and suggested mitigation in the form of native plantings at a required ratio of 3:1 for the new disturbance.

(d) The site plans (Exhibit #2 and #6) show an existing septic tank on the north side; 4 existing sheds on the southeast side; and a 100-foot buffer along both the east and west sides of the property limiting the area for the proposed master bedroom and bath addition. The site plans also illustrated that the area of the demolished structure, which was once a porch, would be utilized in the new proposed addition.

(e) According to testimony, the Applicant would remove approximately 2,000 square feet (\pm) of previously compacted impervious area behind the home, which was an old driveway and parking area, and replace it with new grass and landscaping.

(f) Due to the location of the existing home, septic tank, sheds, and two (2) 100-foot Buffer areas, the Board found that the proposed variance was indeed the minimum necessary to afford relief to the Applicant.

Upon the foregoing, the Critical Area Variance is granted with the following conditions and safeguards:

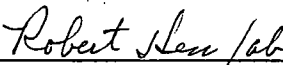
(1) Be advised that all new disturbance to the Buffer area is subject to mitigation by replanting at a 3:1 ratio using native plantings.

(2) The Board found from the Applicant's presentation that the addition would not be buildable as proposed without the variance being granted and, therefore would create an extreme hardship upon the Applicant.

This decision is only zoning approval. It is the Applicant's responsibility to submit all necessary information or documents (i.e. elevation certificate, plumbing information, etc.) to the Department of Technical & Community Services to obtain a Zoning Certificate.

For these reasons, and subject to the above conditions, if any, the Application for Chesapeake Bay Critical Area Variance is granted.

By order of the Board of Zoning Appeals, this 28th day of April, 2008.



Robert Hess, Chairman
Board of Zoning Appeals

YOU HAVE THE RIGHT TO APPEAL THIS DECISION TO THE CIRCUIT COURT OF MARYLAND WITHIN THIRTY (30) DAYS FROM THE DATE OF THIS DECISION.

At 7:40 P.M.

Gale Shockley of 27731 Oriole Road, Princess Anne, Maryland, has applied for a Special Exception to retain an existing home to be used as a storage/workshop building after a new home is built on a lot located on the south side of a private right of way, approximately eighteen hundred (1800) feet to the east of Oriole Road in the St. Peters Election District. The property can be located on Tax Map #22, Block #8, Parcel #102 and is zoned Agriculture-Residential (AR). Section 7.8 (b) states that if a use is not permitted by right or Special Exception in any district, that use is prohibited unless it can meet conditions of referenced section and is allowed by the Board of Zoning Appeals as a Special Exception.

At 7:45 P.M.

David Hood of 2897 Ape Hole Road, Crisfield, Maryland, has applied for a Variance of the center of the road setback requirement on a lot located on the east side of Whites Road, approximately fourteen hundred seventy-nine (1479) feet to the north of St. Pauls Church Road in the Lawson Election District. The property can be located on Tax Map #65, Block #4, Parcel #96, Lot 1 and is zoned Agriculture-Residential (AR). Section 5.6 (A) requires twenty-five (25) feet from the center of the road in the Agriculture-Residential (AR) zone. Applicant proposes a center road setback of fifteen (15) feet, requesting a ten (10) foot Variance.

At 7:50 P.M.

John A. Donohue of 4345 Nassawango Road, Snow Hill, Maryland, has applied for a Critical Area Buffer Variance for an addition to a house located on the south side of Phoenix Church Road, approximately eighteen hundred seventy-five (1875) feet to the east of Kingsbury Drive in the Lawson Election District. The property can be located on Tax Map #73, Block #9, Parcel #14. It is zoned Conservation (CO) and is within the Resource Conservation Areas (RCA) designation of the Critical Area. Section 6.13.J.1 prohibits new structures in the one hundred (100) foot Critical Area Buffer. Applicant proposes a sixty-six and one half (66.5) foot Buffer for the proposed addition. A pre-existing porch encroached fifteen and one half (15.5) feet into the Buffer and the proposed master bedroom and bath encroaches eighteen (18) feet further, therefore, a thirty-three and one half (33.5) foot Variance is requested.

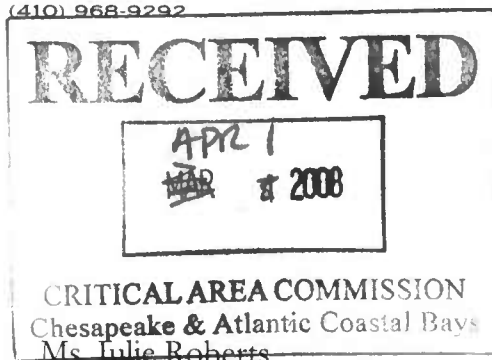
JOHN K. PHOEBUS, P.A.

ATTORNEY AT LAW
904 W. MAIN STREET
P.O. BOX 70
CRISFIELD, MARYLAND 21817

FAX (410) 968-9292

(410) 968-9200

JPHOEBUS@DMV.COM



March 31, 2008

CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays
Ms. Julie Roberts
Natural Resources Planner
State of Maryland – Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

Re: Somerset County Board of Zoning Appeals CA VAR 07-901
John A. Donahue – Historical Dwelling/Restoration – Variance Request

Dear Ms. Roberts:

I am in receipt of a copy of your correspondence dated November 15, 2007 addressed to Mr. Thomas Lawton of the Department of Technical and Community Services for Somerset County. I would like to apologize for the original submission in that it was not sufficiently complete for you to make a proper assessment of the variance request and to make a recommendation.

Specifically, the original submission that was sent to your office on Mr. Donahue's behalf omitted several significant factors. These are (1) the historic nature of this property, (2) that the nature of the proposed use is to accommodate an elderly relative who is not able to climb stairs; and (3) the aspects of Mr. Donahue's plans that improve water quality and cause the any increase in impervious surfaces to be offset by the removal of impervious surfaces of greater area from the buffer. With this information before you, I request that you reconsider this matter and that you recommend to the Somerset County Board of Zoning Appeals that they approve this variance request. The Board will take up this matter at their Friday, April 18, 2008 meeting and the favor of your reply by that date is appreciated.

Background

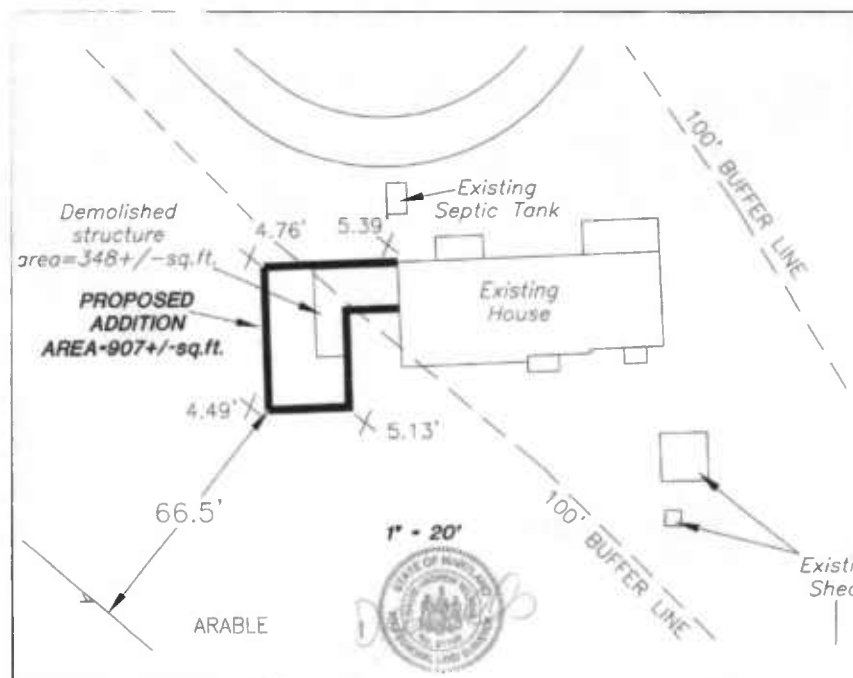
Mr. Donahue proposes to build a small, one-story addition to add a first floor bedroom to the historic Watkins Point Farm in Somerset County, Maryland. This room

would house Dorothy Sterling, the elderly mother of Mr. Donahue's longtime girlfriend, whose age and physical condition require her to have live-in care. Mr. Donahue and his girlfriend would like to move her into their residence to look after her.

The addition to the farmhouse would be located on the western side of the house. This is the only location to which an addition can be added. The eastern side of the house is the side on which a single room house built in the 1780-90s using "sawn-log" construction is connected to the main house. By placing the addition on the western side of the house, not only is symmetry maintained, but the addition will avoid disturbing the most historically significant section of the residence.

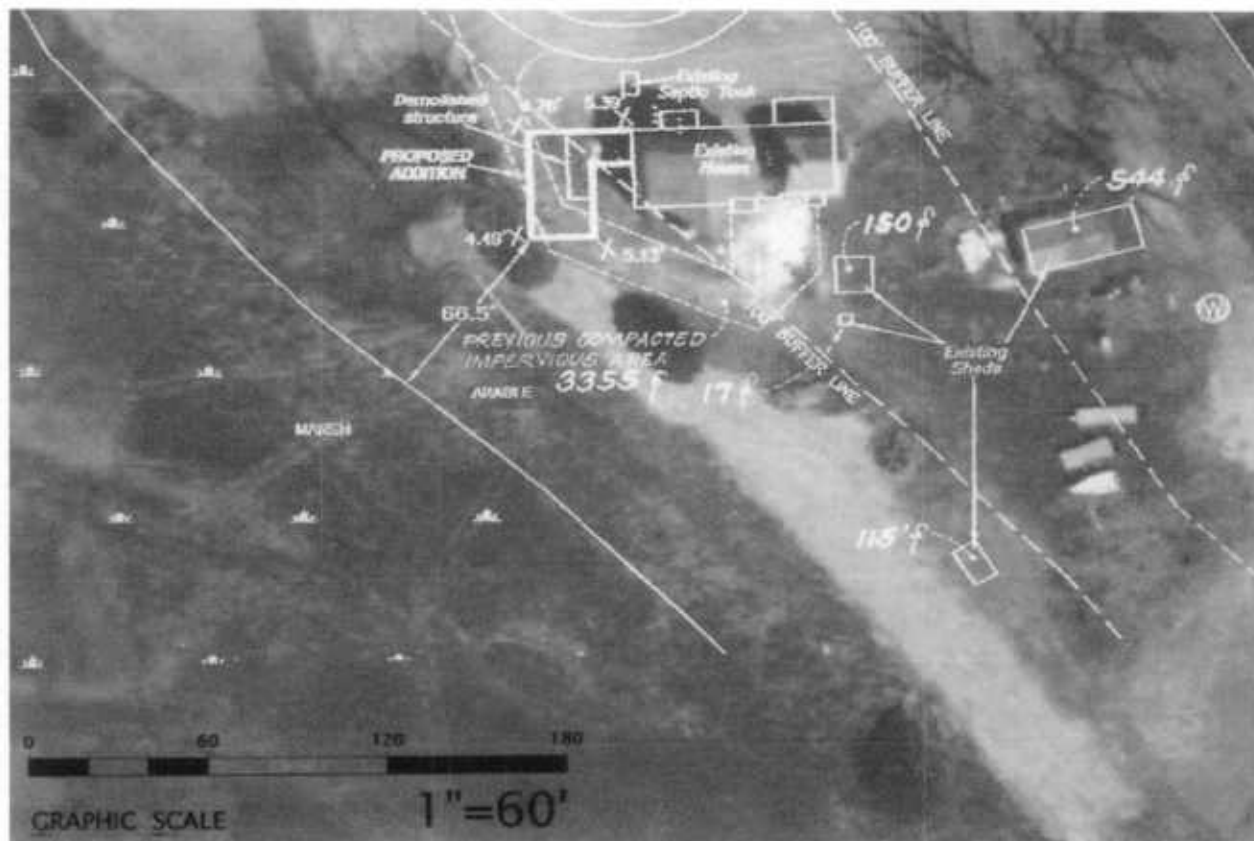
The property is fairly unique in that there are two separate critical area setback lines. Essentially, the property lies on a ridge of high land. Additions to either side of the residence would require a slight variance in the critical area setback, so there is not another direction that Mr. Donahue could go in adding on to the farmhouse.

Mr. Donahue's plans call for a 907 square foot addition. This would sit on top of the foundation of a recently demolished 348 square foot porch. The net addition to the impervious surface by this structure (not accounting for the existing sheds that Mr. Donahue is willing to remove) is 559 square feet. This necessitates a reduction of the critical area buffer from 100 feet to 66.5 feet. This addition can be seen below:



Ms. Julie Roberts
Natural Resources Planner
March 31, 2008
Page 3 of 8

Not shown on the above schematic, but depicted below and on the enclosed aerial photograph and survey are the 3,355 of previously compacted impervious surface onto which this addition will be built. In addition to encompassing the foundation of the previously demolished porch, the new addition will sit, with the exception of a tiny corner of the addition, almost entirely on the 3,355 square feet of previously compacted impervious surface. This compacted surface was not noted on the previously submitted plans for your consideration. Below is a highlight from the enclosed aerial photograph indicating the location of this area relative to the proposed addition:



The Historical Nature of the Property

This property is known as the Watkins Point Farm. It is listed on the National Register of Historic Places and on the Maryland Historical Trust. It is historically significant for both the "sawn log" construction of the 1780-90 single room, but also the circa 1850 Greek Revival style farmhouse. The "sawn log" construction is speculated to be one of only four such structures located in Somerset County. I have enclosed a complete copy of both the National Register and Maryland Historical Trust listings of this property.

Ms. Julie Roberts
Natural Resources Planner
March 31, 2008
Page 4 of 8

A photograph from the Maryland Historic Trust submission shows the state of this property in 1984, before Mr. Donahue acquired it. This is taken from the south side of the property. The porch on the left of the photo is where the single-story addition is proposed.



Since his acquisition of the Watkins Point farm, Mr. Donahue has undertaken a meticulous restoration project. He has made every effort to restore this property in a manner that is historically accurate and the addition that he proposes would adhere to these high standards. I have enclosed photographs that a copy of last month's *Metropolitan* magazine, which showcases the extent and quality of the improvements that he has made to date to the property.

The Reason for the Addition

The motivating reason for Mr. Donahue's request for this variance is to install an addition that will allow Mr. Donahue and his longtime girlfriend to accommodate her ailing

Ms. Julie Roberts
Natural Resources Planner
March 31, 2008
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mother, Dorothy Sterling. Mr. Donahue's girlfriend, Dixie Sterling, has been providing care for her aged mother. Her age and deteriorating physical health require her to have live-in care. Mr. Donahue would like to move Mrs. Sterling into the farmhouse, but are unable to accommodate her unless a bedroom is added to the first floor. The steps leading to the second and third floors of the farmhouse are quite steep and are impossible for Mrs. Sterling to climb. Unless a first-floor addition is added, the home will not be able to accommodate her living in the residence.

Plans to Improve Water Quality

The submission previously provided to you on behalf of Mr. Donahue, did not state that he intended to make specific efforts to improve water quality. Of greatest significances, Mr. Donahue's property is current improved by two existing sheds of 115 square feet and 544 square feet that are located in the Critical Area buffer. Their placement in this buffer predates the Critical Area law. Mr. Donahue is willing and proposes to remove each of these sheds, thereby reducing the impervious surfaces of structures in the buffer by 659 square feet. Considering that the proposed addition would only increase impervious surface by 559 square feet (above that which was in existence before the demolition of the porch), there would actually be a net decrease in impervious surface in the buffer by 100 square feet. This reduction of impervious surface would improve water quality.

Furthermore, the addition proposed will have a roof-top disconnect to a bio-retention storm water area adjacent to the swelling outside of the 100 foot buffer so that water quality will be maintained.

Responses to Specific Criteria in Evaluating a Critical Area Variance Request

I am aware that the Critical Areas Program focuses on water quality and wildlife habitat values and would like to assure you that it is Mr. Donahue's intent to maintain and enhance water quality and wildlife habitat. I would like to address specifically each of the relevant variance standards detailed in your letter.

1. That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.

The peculiar characteristics of this site were not pointed out in the previous submittal. This Watkins Point Farm is an historical structure, which is listed on the National Register of Historic Places. The addition that is proposed corresponds to the foundation of the previously demolished porch and the compacted, impervious surfaces that surrounded this porch and formed the prior driveway and parking area.

The special conditions or circumstances that exist are that the historical home is located in the physical uplands surrounded by wetlands, the location of which pre-dates the current Critical Area legislation. This includes the existing driveway, former driveway, parking area, building, outbuildings and compacted parking area. The site plan for the Donahue house that was submitted previously to you does not take into account the previous compacted, impervious area of 3,335 square feet for the existing drive and parking area to the side and rear of the dwelling. This has been noted on the copy of the enclosed plan. Please note that no change in the amount of variance has been added to this request. Rather, more information is being provided in the form of plans that show existing conditions so as to enable you to see that the impervious surfaces would actually decrease.

The site of this property is also unique in that it is impacted by two separate Critical Area buffers. These setbacks impact the location of the house or any addition to a very small window. Mr. Donahue cannot add his addition to the north or he would impact the septic tank. He cannot add it to the east or he would destroy a 1780-90s structure that is the principal reason that this house is located on the list of historic places to begin with. Adding the structure to the east takes advantage of the impervious nature of the existing drive and parking area. Building here would not only be architecturally and aesthetically pleasing, but it would place the new construction within the confines of an area that already contained impervious, compacted surfaces and would not impinge upon any existing vegetation in the buffer.

2. That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of the local jurisdiction

With respect to this variance consideration, other structures in Critical Area do not qualify under the same "historical" nature as this request. If denied, the restoration would not enhance the architectural or cultural standards that are intended with preservation; essentially it would diminish the value from the true historical nature and would cause a conflict with the preservation of these cultural assets.

3. The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or local Critical Area program to other lands or structures within the Jurisdiction's Critical Area.

Granting this variance would not confer any special privileges which would be denied to others because the unique historical and cultural aspect of the preservation of this property is not generally enjoyed by others in this area. Mr. Donahue agrees that the sheds

as outbuildings could be removed which would clearly allow the proposed addition without any net addition to onsite impervious area.

4. The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.

The applicant did not cause the conditions that are before you. Clearly this historical dwelling, outbuildings, driveway and parking pre-date the Critical Area legislation. Architecture does not last forever and if restoration is needed, it should be allowed especially in the case of maintaining the integrity of the historical designation.

5. The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulation.

Mr. Donahue is agreeable to move the 115 square foot outbuilding and to demolish the 544 square foot outbuilding so that there is no net increase in impervious area. The applicant does not have the luxury or ability to restructure the historical dwellings in such a fashion as to avoid falling into the 100 foot critical area buffer, which impacts this property on both sides of the existing structure. Again, this condition pre-dates the Critical Area legislation. The integrity of being an authentic historical home does not allow for that option.

On the enclosed aerial photograph, you will note that the Historical home and proposed addition principally falls in previously disturbed areas. Therefore, existing vegetated buffers will not be disturbed. Two of the existing outbuildings (sheds), a total of 659 square feet, are within the 100 foot buffer and thus their removal would more than make up for the size of the proposed addition (taking into consideration the removal of the rear parking area).

With respect to water quality, the proposed addition will have a roof-top disconnect to a bio-retention storm water area adjacent to the swelling outside of the 100 foot buffer so that water quality will be maintained.

Beyond removing these buffers, the parcel that is owned by Mr. Donahue consists of a total of 160.4 acres of land, per the assessment records and as shown on the attached aerial photograph. Mr. Donahue is willing to and hereby offers to subject 10 contiguous acres of this land to a conservation easement that would ensure that it is not developed, regardless of any changes that may occur in Maryland's Critical Areas law or federal clean water laws. He

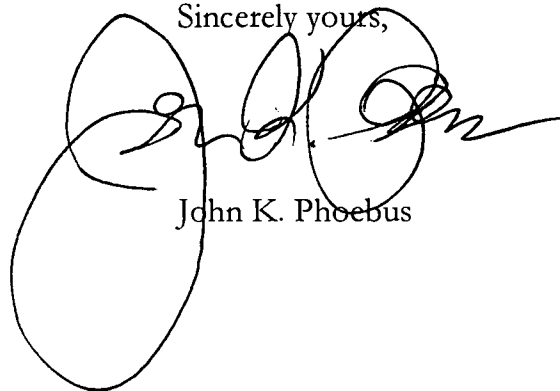
Ms. Julie Roberts
Natural Resources Planner
March 31, 2008
Page 8 of 8

would do this to demonstrate his good will and his intention that his restoration activity on this historic property would only improve water quality and wildlife habitats in the area.

I regret that Mr. Donahue's previous submission, which was made without the benefit of the advice of engineers and legal counsel, lacked the complete information regarding this proposal that I have endeavored to provide you in this letter. While Mr. Donahue seeks nothing different than what you considered in November 2007, I trust that the additional information that has been submitted provides you with compelling reasons to recommend that the Somerset County Board of Zoning Appeals grant this variance request. To do so would result in a net increase in the amount of impervious surface in the Critical Area buffer, would ensure that water quality and wildlife habitats are maintained, and would enable Mr. Donahue to provide a caretaking environment for a disabled loved one, while maintaining the historic nature of this property.

If you would be so kind as to provide the Department of Technical and Community Services, Mr. Donahue, and me with your recommendation on this variance request before or by their Friday, April 18, 2008 meeting, it would be greatly appreciated. If there is additional information that I can provide you, please do not hesitate to let me know.

Sincerely yours,

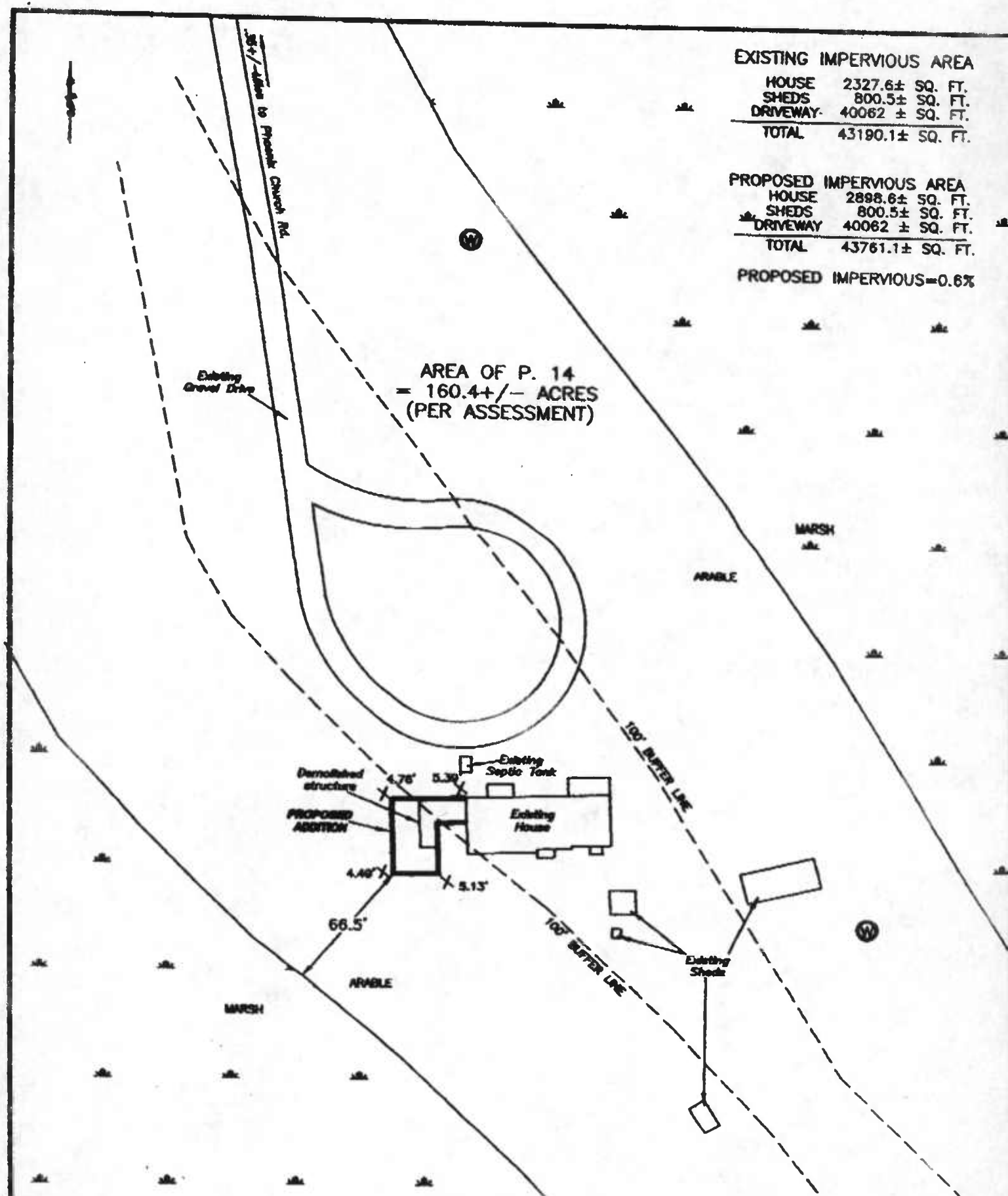
A handwritten signature in black ink, appearing to read "John K. Phoebus", written over a large, loopy, circular scribble.

John K. Phoebus

JKP:tw

Enclosures

cc: Jack A. Willing, Jr., Esquire
Director, Department of Technical and Community Services
Ms. Debbie Lawson
Department of Technical and Community Services
James H. Porter, Jr., Esquire
Mr. Dane Bauer, Daft McCune Walker, Inc.
Mr. Larry Whitlock, Daft McCune Walker, Inc.
Mr. John A. Donahue



EXISTING IMPERVIOUS AREA

HOUSE	2327.6±	SQ. FT.
SHEDS	800.5±	SQ. FT.
DRIVEWAY	40062 ±	SQ. FT.
TOTAL	43190.1±	SQ. FT.

PROPOSED IMPERVIOUS AREA

HOUSE	2898.6±	SQ. FT.
SHEDS	800.5±	SQ. FT.
DRIVEWAY	40062 ±	SQ. FT.
TOTAL	43761.1±	SQ. FT.

PROPOSED IMPERVIOUS=0.6%

- 100' BUFFER LINE
- X 5.91 EXISTING SPOT ELEVATION
- ▨ SEWAGE RESERVE AREA
- EXISTING WELL

ALL OFFSET DISTANCES ARE (+/- 5')



DISCLAIMER

THIS PLAT IS FOR THE BENEFIT OF THE CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. THE PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS OR OTHER EXISTING OR FUTURE IMPROVEMENTS AND DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR SURVEY NO. JOHN DONOHUE

TAX MAP NO.	73	P. 14
DISTRICT	LAWSONS	
SUBD.	-	
SECT NO.	-	
BLOCK NO.	-	
LOT NO.	-	
DEED REF.	511/898, 541/247	
PLAT REF.	-	
FLOOD ZONE	'B' AND 'A2'	

SITE PLAN

FOR

JOHN DONOHUE

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SCALE	1" = 80'
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